

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WORLD NEW COMPANIES, INC.,
A Florida corporation,

Plaintiff,

CASE NO. 00-6026
CIV - FERGUSON

v.
KLELINE, a Limited Company,
a corporation incorporated under the laws
of France; ABDALLAH HITTI, individually,
AYHUB HITTI, individually.
BANQUE PARIBAS S.A., a banking
corporation incorporated under the laws of
France; OCRAM EST., a Liechtenstein
corporation; and MICHAEL BENDE,
individually.

Defendants.

**DEFENDANT BENDE'S MOTION TO DISMISS
MEMORANDUM IN LAW IN SUPPORT THEREOF**

COMES NOW, the Defendant, MICHAEL BENDE, by and through undersigned counsel
and hereby files this Motion to Dismiss this Complaint for lack of jurisdiction and memorandum
in law in support thereof and would state as follows:

1. That the Plaintiff filed this lawsuit against MICHAEL BENDE and numerous
other Defendants.
2. The first two paragraphs of Plaintiff's Complaint purport to allege jurisdiction in
this case, based upon diversity of citizenship.
3. 28 U.S.C. Section 1332 sets forth the requirements for jurisdiction pursuant to
diversity of citizenship.

4. In determining whether diversity is present, the Courts must consider the citizenship of all parties in the case; In re: Air Crash Disaster of Aviatica Flight 901; 29 F.Supp.1333 (S.D. FLA 1997).
5. In determining the requirements of diversity of jurisdiction, The 11th Circuit Court of Appeals held that diversity of jurisdiction requires that the Plaintiff be a citizen of a state or nation different from that of any of the defendants. (Bel-Bel vs. Community Bank of Homestead, 162 F.3d 1101 (11th Cir. 1998)).
6. In the instant case, the allegations of the complaint show that there is no jurisdiction.
7. Paragraph 2 of Plaintiff's Complaint states "complete diversity of citizenship exists between plaintiff and all Defendants except MICHAEL BENDE, individually, who lives in Boca Raton, Florida, but operates through his alter ego, Defendant OGRAM, from Liechtenstein
8. As the Plaintiff has admitted that complete diversity does not exist in this case, this Court lacks jurisdiction to proceed in this manner and the case must be dismissed.


WHEREFORE, the Defendant, MICHAEL BENDE, hereby requests this Court enter an Order dismissing this case for lack of jurisdiction.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 15 day of February, 2000 to: John C. Rayson, Esquire, Attorney for Plaintiff,

2400 East Oakland Park Boulevard, Ft. Lauderdale, Florida 33306.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

FURR AND COHEN, P.A.
Attorneys for Plaintiff Michael Bende
1499 W. Palmetto Park Road
Suite 412
Boca Raton, Florida 33486
(561) 395-0500

By 

Les S. Osborne, Esq.
FL BAR NO. 823139
Email-losborne@furrandcohenpa.com

H:\LIBRARY\Litigation\Bende, michael\Pleadings\motion to dismiss for US District Court Case 021400.wpd